

**Introduced by Senator Murray**

February 22, 2005

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An act to amend Section 40914 of the Health and Safety Code, relating to air quality.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 829, as introduced, Murray. Air quality: district plans.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires each district that has been designated a nonattainment area for state ambient air quality standards for criteria pollutants to prepare and submit to the state board a plan for attaining and maintaining these air quality standards. Existing law requires each district plan to achieve a reduction in districtwide emissions of 5% or more per year for each nonattainment pollutant, unless an alternative measure of progress is approved. Existing law also permits a district to use an alternative emission reduction strategy which achieves less than an average of 5% or more per year reduction in districtwide emissions if the district demonstrates to the state board, and the state board concurs in, specified determinations.

This bill would make technical, nonsubstantive changes to the provision permitting each district to use an alternative emission reduction strategy.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 40914 of the Health and Safety Code is  
2 amended to read:  
3 40914. (a) Each district plan shall be designed to achieve a  
4 reduction in districtwide emissions of 5 percent or more per year  
5 for each nonattainment pollutant or its precursors, averaged every  
6 consecutive three-year period, unless an alternative measure of  
7 progress is approved pursuant to Section 39607.  
8 (b) A district may use an alternative emission reduction  
9 strategy ~~which~~ *that* achieves less than an average of 5 percent per  
10 year reduction in districtwide emissions if the district  
11 demonstrates to the state board, and the state board concurs in,  
12 either of the following:  
13 (1) That the alternative emission reduction strategy is equal to  
14 or more effective than districtwide emission reductions in  
15 improving air quality.  
16 (2) That despite the inclusion of every feasible measure in the  
17 plan, and an expeditious adoption schedule, the district is unable  
18 to achieve at least a 5-percent annual reduction in districtwide  
19 emissions.  
20 (c) For purposes of this section and Section 41503.1, for each  
21 district that is designated nonattainment for a state ambient air  
22 quality standard but is designated attainment for the federal air  
23 quality standard for the same pollutant, reductions in emissions  
24 shall be calculated with respect to the actual level of emissions  
25 that exist in each district during 1990, as determined by the state  
26 board. All reductions in emissions occurring after December 31,  
27 1990, including, but not limited to, reductions in emissions  
28 resulting from measures adopted prior to December 31, 1990,  
29 shall be included in this calculation. For each district that is  
30 designated nonattainment for both state and federal ambient air  
31 quality standards for a single pollutant, reductions in emissions  
32 shall be calculated with respect to the actual level of emissions  
33 that exist in each district during the baseline year used in the state  
34 implementation plan required by the federal Clean Air Act. All  
35 reductions in emissions occurring after December 31 of the

- 1 baseline year, including, but not necessarily limited to, reductions
- 2 in emissions resulting from measures adopted prior to December
- 3 31 of the baseline year, shall be included in this calculation.

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